

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Richard J. Egan)

MUR 5222

CONCILIATION AGREEMENT

This matter was initiated by a *sua sponte* submission by Richard J. Egan ("Respondent"). According to the submission, Respondent recently discovered that he inadvertently exceeded the \$25,000 annual limit for federal contributions in 2000 and 1998. The Federal Election Commission ("Commission") found reason to believe that Respondent violated 2 U.S.C. § 441a(a)(3).

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

1. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).
2. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
3. Respondent enters voluntarily into this agreement with the Commission.

21-04-405-2468

4. The pertinent facts in this matter are as follows: According to the supporting documentation submitted *sua sponte* by Respondent through his counsel, Respondent made contributions totaling \$55,100 with respect to 2000 and \$31,600 with respect to 1998. These contributions exceeded the statutory \$25,000 aggregate annual contribution limit in violation of 2 U.S.C. § 441a(a)(3). Respondent represents that the contributions at issue were made from his personal funds and that no other contributions were made that would count toward the \$25,000 limit with respect to 2000 or 1998.

5. Respondent exceeded the \$25,000.00 aggregate annual contribution limit in 2000 by \$30,100 and in 1998 by \$6,600 in violation of 2 U.S.C. § 441a(a)(3). The Respondent has obtained refunds for more than the amount of the excessive contributions in 2000 and 1998.

6. Respondent will pay a civil penalty to the Federal Election Commission in the amount of thirty-six thousand seven hundred dollars (\$36,700) pursuant to 2 U.S.C. § 437g(a)(5)(A).

7. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

8. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

9. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

10. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lois Lerner
Acting General Counsel

BY: Lois Lerner

7/26/01
Date

FOR THE RESPONDENT

Kenneth A. Gross
Kenneth A. Gross
Counsel for Richard J. Egan

7/26/01
Date